

REMARKS

Applicants respectfully traverse and request reconsideration.

Applicants respectfully recognize the Examiner's final restriction requirement with respect to claims 21–28 and note that the aforementioned claims are withdrawn from the present application.

The drawings and written description stand objected to because of various informalities. Both the figures and written description have been appropriately corrected.

Claims 10 and 11 stand rejected under 35 U.S.C. § 112, ¶ 2 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Claim 10 further stands rejected for having insufficient antecedent basis for the limitation “said transmitter.” Applicants respectfully note that claims 10 and 11 have been amended to properly comply with the requirements of the Patent Act. Similar claims have been amended in claims 29 and 30.

Claims 10, 11, 29, and 30 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,714,778 B2 to Nykanen et al. (“Nykanen”). Applicants respectfully submit herewith Declarations under 37 C.F.R. § 1.131 for inventors Andrew E. Fano and Scott W. Kurth. It is believed that Nykanen does not claim the same patentable invention as defined by 37 C.F.R. § 41.203(a) and that the present rejection is not based on a statutory bar. Accordingly, the attached declarations are relied on to establish prior conception of the claimed subject matter. It is further believed that the attached declarations further establish diligent reduction to practice, by the inventors and their attorneys from a time prior to the Nykanen effective filing date to at least the filing date of the present application. Accordingly, Applicants respectfully submit claims 10, 11, 29 and 30 for immediate allowance.

Applicants respectfully submit new claims 31–42. Claims 31–42 are believed to be allowable over the cited prior art for at least the same reasons cited above.

Applicants respectfully submit that the claims are in condition for allowance and that a timely Notice of Allowance be issued in this case. The Examiner is invited to contact the below-listed attorney if the Examiner believes that a telephone conference will advance the prosecution of this application.

Respectfully submitted,

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